

Message Text

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ACTION EUR-12

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TAGS: CGEN, SOPN, PROP, UR, US

SUBJECT: SLANDER CHARGES AGAINST TWO U.S. CORRESPONDENTS

REF: MOSCOW 14859

1. PIPER (BALTIMORE SUN) AND WHITNEY (NEW YORK TIMES), ACCOMPANIED BY EMBASSY CONSULAR OFFICER RICHARD CARTER, APPEARED IN MOSCOW CITY COURT MORNING OF JUNE 28 FOR INITIAL HEARING RE SLANDER COMPLAINT BROUGHT AGAINST THEM BY GOSTELERADIO (REFTEL). HEARING LASTED APPROXIMATELY TWENTY MINUTES AND WAS CONDUCTED IN BUSINESS-LIKE MANNER BY COURT'S CHAIRMAN, LEV YEVGEN'YEVICH ALMAZOV.

2. CORRESPONDENTS WERE PRESENTED WITH WRITTEN COMPLAINT SIGNED BY V. LYUBOVTSOV, ACTING CHIEF EDITOR OF EVENING TELEVISION NEWS PROGRAM "VREMYA". AS NEWSMEN ANTICIPATED, COMPLAINT CONCERNED ARTICLES AUTHORED BY PIPER AND WHITNEY IN WHICH SOVIET SOURCES CALLED INTO QUESTION GENUINENESS OF "CONFESSION" BY GEORGIAN DISSIDENT ZVIAD GAMSAKHURDIA BROADCAST ON "VREMYA" SHOW MAY 19. BASIS
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FOR GOSTELERADIO'S LEGAL ACTION IS ARTICLE 7 OF THE RSFSR CIVIL CODE, WHICH REFERS TO SLANDER OF AN INDIVIDUAL OR ORGANIZATION, NOT, AS NEWSMEN HAVE REPORTED, ARTICLE 141 WHICH IS PROCEDURAL ONLY. IF CONVICTED, NEWSMEN CAN BE FINED (50-300 RUBLES) AND ORDERED TO MAKE PUBLIC RETRACTIONS OF SLANDEROUS STATEMENTS. BURDEN OF PROOF SEEMS TO BE ON DEFENDENTS TO

SHOW THAT STATEMENTS LEADING TO COMPLAINT ARE NOT IN FACT SLANDEROUS.

3. ALMAZOV INFORMED WHITNEY AND PIPER THAT THEY WERE REQUIRED TO RESPOND IN WRITING TO GOSTELERADIO'S COMPLAINT AT 12:00 ON JUNE 30 AND THAT THEY WOULD HAVE TO APPEAR IN COURT AGAIN ON JULY 5 (ALMAZOV SAID SESSION HAD ORIGINALLY BEEN SCHEDULED FOR JULY 4 BUT HAD BEEN DEFERRED OUT OF RESPECT FOR AMERICAN HOLIDAY). HE ASSURED NEWSMEN THAT THEY WOULD HAVE RECOURSE TO ALL RIGHTS AND GUARANTEES ACCORDED TO SOVIET CITIZENS UNDER ARTICLE 433 OF CODE OF CIVIL PROCEDURE - THAT IS, THE RIGHTS TO CALL WITNESSES, TO BE REPRESENTED BY ATTORNEY AND, IN VIEW OF THEIR BEING FOREIGNERS, TO OBTAIN WHATEVER ASSISTANCE IS LEGALLY AVAILABLE TO THEM FROM THEIR EMBASSY.

4. WHITNEY, WHO HAD BEEN PLANNING TO LEAVE MOSCOW ON VACATION ON JULY 2 (PIPER WAS SLATED TO DEPART FOR SIMILAR REASONS A WEEK LATER), ASKED IF THEIR PHYSICAL PRESENCE WAS REQUIRED FOR THE FURTHER PURSUANCE OF THE SUIT. ALMAZOV REPLIED THAT HE HAD NO POWER TO ORDER WHITNEY TO APPEAR FOR THE JULY 5 HEARING BUT HE DID EMPHASIZE THAT SUCH PRESENCE WOULD BE DESIRABLE. ALMAZOV DID POINT OUT THAT THE PROCEEDINGS COULD BE CARRIED FORTH WITHOUT EITHER OR BOTH AMERICANS. AT LIMITED OFFICIAL USE

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THE CLOSE OF THE SESSION WITH ALMAZOV, PIPER AND WHITNEY SIGNED RECEIPTS FOR COPIES OF THE COMPLAINT GIVEN TO THEM.

5. TIMES BUREAU CHIEF SHIPLER TELLS US WHITNEY AND PIPER ARE UNDECIDED ABOUT WHETHER TO SHOW UP FOR FURTHER STAGES OF WHAT THEY ASSUME WILL BE A LEGAL FARCE. SINCE PENALTIES ARE LIGHT (AND, IN THE CASE OF PUBLIC RETRACTIONS UNENFORCABLE) AND THE VERDICT AS-SUMED TO BE A FOREGONE CONCLUSION, THEY PRESENTLY ARE LEANING TOWARD DISASSOCIATING THEMSELVES FROM THE ENTIRE BUSINESS AND WAITING FOR SOVIETS TO USE THIS AS "ADMIS-SION" OF THEIR GUILT.

6. COMMENT: WESTERN NEWSMEN FIND IT PARTICULARLY INCOM-PREHENSIBLE (AND OMINOUS) THAT THE TWO CORRESPONDENTS ARE BEING SUED FOR WHAT THEIR SOURCES SAID - NEITHER WHITNEY NOR PIPER VENTURED ANY OPINIONS OF THEIR OWN IN THEIR ARTICLES AND THEY ARE IN EFFECT BEING HELD LIABLE FOR SPREADING (I.E. WRITING ABOUT) COMMENTS CRITICAL OF THE SOVIET UNION EXPRESSED BY OTHERS. IN ANY EVENT, THEY ARE TALKING FREELY TO OTHER WESTERN

NEWSMEN ABOUT THE CASE, AND WE SEE NO REASON FOR
EMBASSY COMMENT AT THIS STAGE BEYOND A CONFIRMATION OF
CONSULAR OFFICER'S PRESENCE AT HEARING. TOON

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